IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 478 OF 2005

Chamanlal G. Bhatia .. Appellant

Vs.

The Municipal Corporation of
Gr. Mumbai. .. Respondent

Mr. P.K. Dhakephalkar with Ms. Geeta Shashtri i/by M/s. Khilani & Co. for appellant.
Ms. Geeta Joglekar for respondent-BMC.

CORAM: B.H. MARLAPALLE, J.

Date : October 07, 2005.

P.C.:

1. Heard Mr. Dhakephalkar the learned counsel for the appellant-plaintiff and Ms. Joglekar the learned counsel for the respondent-Corporation.

2. In L.C. Suit No.1947 of 2004 the plaintiff moved a draft Notice of Motion and prayed for certain ad-interim reliefs, including stay to the proposed demolition. By the impugned order dated 22/4/2004 the trial court appointed the Court Commissioner to visit the site and on its inspection submit a report by 30/4/2004. This court by order dated 28/4/2004

directed the respondent to maintain status quo in respect of the suit structure pending admission and the said order has operated all along. It would be, therefore, appropriate that this appeal is disposed off by directing the pending Notice of Motion to be heard and decided on its own merits within a fixed period.

3. The appeal is, therefore, disposed with a direction that Notice of Motion No.1599 of 2004 filed in L.C. Suit No.1947 of 2004 be heard and decided on its own merits as expeditiously as possible and preferably by 31st December, 2005. The order of status quo passed by this court shall continue to operate till the Notice of Motion is decided by the trial court.

(B.H. Marlapalle,J.)